

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA**

JAMES MAYFIELD,

Plaintiff,

vs.

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

CASE NO. 07cv1790

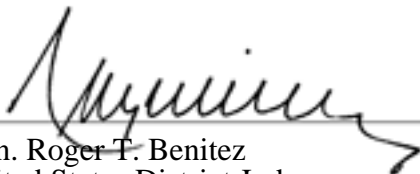
ORDER [D.E. #2]

Plaintiff James Mayfield, appearing through counsel, has submitted a civil complaint against the Commissioner of the Social Security Administration, challenging the Commissioner's denial of Plaintiff's claim for Social Security benefits. Currently before the Court is Plaintiff's Motion to proceed *in forma pauperis* ("IFP Motion") pursuant to 28 U.S.C. § 1915, which is supported by Plaintiff's Declaration submitted under penalty of perjury.

All parties instituting any civil action, suit or proceeding in a United States District Court must pay a filing fee. *See* 28 U.S.C. § 1914(a). An action may proceed despite a plaintiff's failure to prepay the entire fee only if the plaintiff is granted leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915(a). *See Rodriguez v. Cook*, 169 F.3d 1176, 1177 (9th Cir. 1999). Plaintiff's Declaration states that he is neither employed, nor a disability income recipient as of May 2007. Plaintiff does, however, indicate that he has a savings account with a non-disclosed balance.

1 Since Plaintiff has not disclosed the present balance associated with his savings account, the
2 Court is unable to properly evaluate whether paying the filing fee would in fact present a financial
3 burden to the Plaintiff. For this reason, the Court **DENIES WITHOUT PREJUDICE** Plaintiff's IFP
4 Motion.

5 DATED: September 21, 2007

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8 Hon. Roger T. Benitez
United States District Judge

9 cc: All parties and respective counsel
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